UNIT 13 GRIEVANCE HANDLING

Objectives

After going through this unit, one will be able to understand:

- the concept of grievance;
- the overview of the grievance function in industrial relations;
- the grievance mechanism and how it is useful to the aggrieved employee;
- the various approaches to grievance resolution; and
- the advantages and disadvantages of grievance handling procedure.

Structure

13.1 INTRODUCTION

Broadly, a grievance can be defined as any discontent or dissatisfaction that an employee has with any aspect of the organisation. It can be real or imaginary, legitimate or ridiculous, stated or unvoiced, written or oral. It must, however, find expression in some form or

the other. Discontent or dissatisfaction per se is not a grievance. They initially find expression in the form of a complaint. When a complaint remains unattended and the employee concerned feels a sense of lack of justice and fair play, the dissatisfaction grows and assumes the status of a grievance. Usually grievances relate to problems of interpretation or perceived non-fulfilment of one's expectations from the organisation. Grievance can be unvoiced or stated in which case it can be either written or oral. In most of the cases the grievance can be broadly of three types:

1) Legitimate Grievance: This is a real grievance when there is a cause to believe that there has been some sort of wiginal contract violation. However, it has been observed that the clauses in a contract have different meaning for different people.

2) Imagined Grievance: As the name suggests, the employee believes that there has been a violation of some clause or the management has not applied the clauses in the right manner. The real cause of grievance can be something very trivial but is given great importance by the employee. Mostly, it is due to some misunderstanding that such grievances occur.

3) Political Grievances: These grievances are very difficult to solve. Mostly these grievances are connected with Unions. At times the Union may keep harping about a grievance without merit as to get a good standing with its members. This hampers the smooth running of the organisation as both the parties try to pursue their point of view. It is important to make a distinction between individual grievances and group grievances. If the issue involved relates to one or a few individual employees, it needs to be handled through a grievance procedure. But when general issues with policy implications and wider interest are involved they become the subject matter for collective bargaining. Ideally in individual grievance redressal, unions should have less or no role, while in grievances of a collective nature and wider ramifications, the unions need to be involved. For our purpose, in this Unit, grievance has a narrow perspective; it is concerned with the interpretation of a contract or award as applied to an individual or a few employees.

A grievance isa complaint of one or more workers with respect to the organisation. Itcan be related to wages, conditions of Work, leave, transfer, overtime,promotion, seniority, job assignment and termination of service.According to Dale Yoder "A grievance is a written complaint filed byan employee and claiming unfair treatment."Keith Davis defines it as "any real or imagined feeling of personalinjustice which an employee has concerning his employmentrelationship."According to Jucius "a grievance is any discontent or dissatisfaction,Whether expressed or not, Whether valid or not arising out of anythingconnected with the company which an employee thinks believes orfeels to be unfair, unjust or inequitable."

13.2 REASONS FOR GRIEVANCES

In a service industry a manager cannot afford to assign a front-line job to an employee who holds a grievance against the organisation. You can well imagine the result, if the tour escort or a hotel receptionist is an unsatisfied employee. For a successful manager it is essential not only to be aware about the employee's grievance but also to understand why a grievance has occurred. Grievances may occur for a variety of reasons: Economic: Wage, wage computation, overtime, bonus, commissions etc. Employees feel they are

getting less than what they ought to get. Work Environment: Poor working conditions, defective equipment and machinery, tools, materials, etc. Supervision: Disposition of the boss towards the employee. Perceived notions of favouritism, nepotism, bias, etc. Work Group: Strained relations or incompatibility with peers, feeling of neglect, ostracisation and victimisation. Work Organisation: Rigid and unfair rules; too much or too less work responsibility; lack of recognition, etc. The apparent causes or sources of grievances may not always be the real ones. There is need for deeper analysis of the policies, procedures, practices, structures and personality dynamics in the organisation to arrive at the real causes of grievances. Grievances stem from management policies and practices, particularly when they lack consistency, uniformity, fair play and the desired level of flexibility. Grievances also may arise because of intra-personal problems of individual employees and union practices aimed at reinforcing and consolidating their bargaining strength. The absence of a proper two-way flow of communication can indeed be a fertile ground for breeding grievances. Grievances can have several effects which are essentially adverse and counter productive to organisational purposes. The adverse effect. include: a) Loss of interest in work and consequent lack of morale and commitment b) Poor quality of work c) Increase in wastage and costs and d) Increase in absenteeism.

13.3 DISCOVERY OF GRIEVANCE

Knowledge about grievances is important in handling them. Upward channels of communication provide the dependable sources for discovery of grievances. One can also come to know about grievances through gossip and grapevine or through unions. It is always preferable to have first hand knowledge based on observation and through direct communication from the employee concerned. Some of the important ways of discovering grievances are briefly outlined here.

1) Direct Observation: A good manager must know how his or her subordinates behave in ordinary circumstances. When significant changes in that behaviour occur, it is sure to affect performance. Absenteeism, lateness, indifference, etc. are some of the forms in which discontent and dissatisfaction find expression. A careful analysis of grievance rates, accident rates, requests for transfer, indiscipline, etc., may reveal general patterns that are not easily discernible in the first instance.

2) Grievance Procedure: The most important channel through which discontent and dissatisfaction can be communicated is through grievance procedure. A grievance procedure provides an avenue and an opportunity to an employee to give vent to his or her grievances. The dilemma most managers face is whether and how far they should encourage or discourage grievances. If management does not induce employees to express their grievances, unions will do so. Discouraging employees from expressing grievances means ignoring grievances. When they simmer and burst, managements find it beyond their capacity to deal with them adequately. Thus, it is important to have a grievance procedure to process grievances. This aspect is discussed in detail, in a subsequent Section in this unit.

3) Gripe Boxes: The gripe box is a facility to file anonymous complaints about the various causes of discontent and dissatisfaction in the organisation. It is different from the suggestion scheme system that may be in vogue in a company. In this case, anonymity is assured and there is no reward or punishment. The limited purpose is to let the management know what the employees feel without fear of victimisation.

4) Open-door Policy: Most organisations preach open door policy but do not practice it. The policy is good and democratic, but usually ineffective and at times counterproductive. Organisations would do well to have a grievance procedure. If a grievance procedure exists, open-door policy becomes redundant.

5) Exit Interview: Employees usually quit organisations due to dissatisfaction or better prospects elsewhere. It requires certain skill to get to know the real reasons for leaving the job. Exit interviews, if conducted effectively, can provide vital information to improve personnel policies, and identify the weaknesses and strengths of the organisation. Some organisations mail an exit questionnaire three months after an employee leaves so that he need not fear about a poor reference and give the truth, without fear or favour.

6) Other Channels: Group meetings, periodical interviews with employees and collective bargaining sessions, etc. are some of the other channels through which one canhave information about employee discontent and dissatisfaction before them. Each channel referred to above serves the purpose in a different way. Using more than one channel is desirable because it may not be possible to get information about all types of dissatisfaction from one channel. For example, the type of information one can get through a grievance procedure would be perceptibly different from what one can get from a gripe box or an exit interview.

Employee grievances are essentially human problems, real or imaginary. Whatever be the cause, the approach should be humane. Sensitivity and empathy are required in handling grievances diligently and they need to be handled with care. There is no definite formula or a single way in this regard yet one can try out certain tested measures: Firstly, employee grievances have to be handled promptly. An aggrieved employee suffers from a sense of injustice being done to him or her. Recall the adage, 'Justice delayed is justice denied'. The need to handle grievances promptly cannot be over emphasised. In a good many cases, trivial issues concerning one or a few employees become collective issues and are blown out of proportion causing avoidable loss and bitterness, because they were not dealt with properly and promptly. Secondly, employee grievances will have to be settled at the level at which they occur in order to avoid the feeling of injustice at the interacting group level. If an employee has a grievance, with or about a supervisor and if it is redressed not at the concerned supervisor's level but one or two levels above him or her, the employee continues to be dissatisfied about the supervisor because he or she has not been able to resolve it. Since, someone else had done it, the loyalties change. In the process, supervisory authority gets eroded. Hence, it is important to have the grievances settled, preferably at the level at which they occur. Thirdly, when grievances occur, it is important to record them as to make sure that they do not recur. If more grievances occur over the same issue, time and again and more numbers of employees are found to have a similar grievance, the focus should shift from person and (grievance) procedure to policy and practices. An archaic rule may continue to be the cause of much irritation among many employees. Then it is appropriate to take a relook at the particular aspect of policy and alter or modify the same rather than get bogged down with redressing each and every case. If some grievances are recurring in nature, the strategy should be to prevent rather than cure them.

As already discussed, there are valid reasons to have the grievances processed through a machinery or procedure. A grievance procedure can be voluntarily established by the-management or installed as a result of a collective agreement to that effect. Whether

unionised or not, organisations should not wait for unions to raise their voice and use the strength in establishing a grievance procedure. The purpose of a grievance procedure is to let aggrieved employees know what to do if they have a grievance and where to look for or appeal to, ensure that the procedure of grievance handling is limited to a very few steps, as that the employees know that their grievances will be- handled promptly and a solution will be found for it as soon as possible, thus lifting the morale of the concerned employee, check on arbitrary management decision by providing for appeals in at least three levels above the level at which such grievances occur. However, the less frequently the higher levels are used, the more effective they become, promote fair, viable, equitable treatment and personnel practices having regard to Disciplinary Issues and the rights of the employee. The superiors will be more careful in their arbitrary use employees' grievance of power and authority so that the employees have belief in the procedure, and handling assist in minimising discontent and dissatisfaction that may have adverse effects upon cooperation and productivity. The details of a grievance procedure machinery may vary from organisation to organisation.

13.4 WHEN IS A COMPLAINT NOT A GRIEVANCE?

If the management has not violated anyone's rights, there is no grievance. But, there maybe a real complaint, and if you are a good steward you will deal with complaints as seriously as you would a grievance. Here are some types of complains:

- **Personal troubles and requests for advice**

  You will often find that people want to confide in you. Treat them sympathetically;try to help them and keep confidences strictly to yourself.

- **Complaints about fellow workers**

  These need a lot of tact, diplomacy and moral authority on your part. This sort ofcomplaint becomes a grievance if management gets involved when it shouldn't, according to the contract or past practice — or it doesn't get involved when it should.

- **Complaints about government agencies and local bodies**

- **Complaints against management not covered by the contract**

  There may be cases you have to face which do not involve an injustice, do not violate past practice and are not covered by the contract. It still may be possible toremedy these complaints by informal discussions between the union (you) and theemployer.

- **Borderline cases**

  You should seek advice from the chief steward or the grievance committee oryour local business representative before taking these up as grievances. Report back tothe person complaining as soon as possible, explaining what you are doing and why.

- **Complains against the union.**

  It is up to you to explain to the complainer what his or her rights are under the rulesand constitution of the local and international union.

13.5 CLASSIFICATION OF GRIEVANCES

Grievances may fall into certain broad categories such as:

a) Wages, incentives, work assignments, complaints about job specifications;

b) Interpretation of rules, transfer, seniority, promotion;

c) Working conditions, safety, health andwelfare amenities;

d) Supervision, discipline, favouritism, victimisation, interpersonal relations;and

e) Violation of the terms of collective agreements, unfair labour practices andwrongful extraction of work.

13.6 DISSATISFACTION - COMPLAINT - GRIEVANCE

According to Pigors and Myers, the three terms 'dissatisfaction', 'complaint',and 'grievance' indicate the various forms and stages of employee dissatisfaction.Dissatisfaction is "anything that disturbs an employee, whether or not lie expresseshis unrest in words." A complaint is a "spoken or written dissatisfaction, broughtto the attention of the supervisor and the shop steward". A grievance is simply a"complaint that has been ignored, overridden, or dismissed without dueconsideration." A grievance in the context of a business' organisation is-alwaysexpressed either verbally or in writing. If the .discontent remains unexpressed, itdoes not constitute grievance for the reason that the management cannot takenote of such subliminal processes, which are not ventilated. This does not meanthat the management should not be concerned at all with unexpressed discontent.Nevertheless, the fact remains that in an organisational setting, such unexpressedgrievances are not capable of being handledthrough the grievance procedure.Thus, the grievance is more formal in character than a complaint. While acomplaint can 'be either oral or written, a grievance is always in writing. Un-redressed, piled-up individual grievances may often assume the form of industrialdisputes, thereby attracting the provisions of the Industrial Disputes Act, 1947or leading to a snap industrial action such as work stoppages, violence ordisorderly behavior.

13.7 CAUSES OF GRIEVANCES

An employee is dissatisfied and harbors a grievance when he/she feelsthere has been an infringement of his/her rights that his/her interests has beenjeopardized. This sense of grievance generally arises out ofmisinterpretation or misapplication of company policies and practices.Grievances mostly arise out of following reasons:

1 Concerning wages

Demand for individual adjustment; the worker feels that he is not paidfully. Complaints about incentives; piece rates are too low or toocomplicated,mistakes in calculating the Wages of the workers etc.

2 Concerning supervision

Complaints against discipline; inadequate instructions given for jobperformance; objections of having a particular foreman; the foreman playingfavorite; the foreman ignores complaints, objections to the manner inwhich the general methods of supervisionare used; there are too many rules; regulations are not clearly posted etc.

3 General working conditions

Unhygienic working conditions;poor production standards;non availability of tools, materials and equipments etc.

4 Collective bargaining

The company is attempting to undermine the trade union and theworkers who belong to that union; the contract with labor force hasbeen violated; the company does not deal effectively with uniongrievances;the company does not allow the supervisors to deal with and settlethe grievances of the employees etc.

The company disregards the agreements already arrived at with theworkers or their trade union.

5 Management policy

5.1 Wage rates and methods of wage payments

5.2 Overtime and incentive payments

5.3 Promotion, transfer and seniority issues

5.4 Lack of opportunities for career growth

5.5 Leave

5.6 Issues relating to employee conduct

5.7 Unhappy relations with the bosses

5.8 Unhappy relations with the union

5.9 Violation of company laws

5.10 Violation of rules, regulations, established traditions andaccepted practices

5.11 Violation of labour laws

13.8 GRIEVANCE PROCEDURE

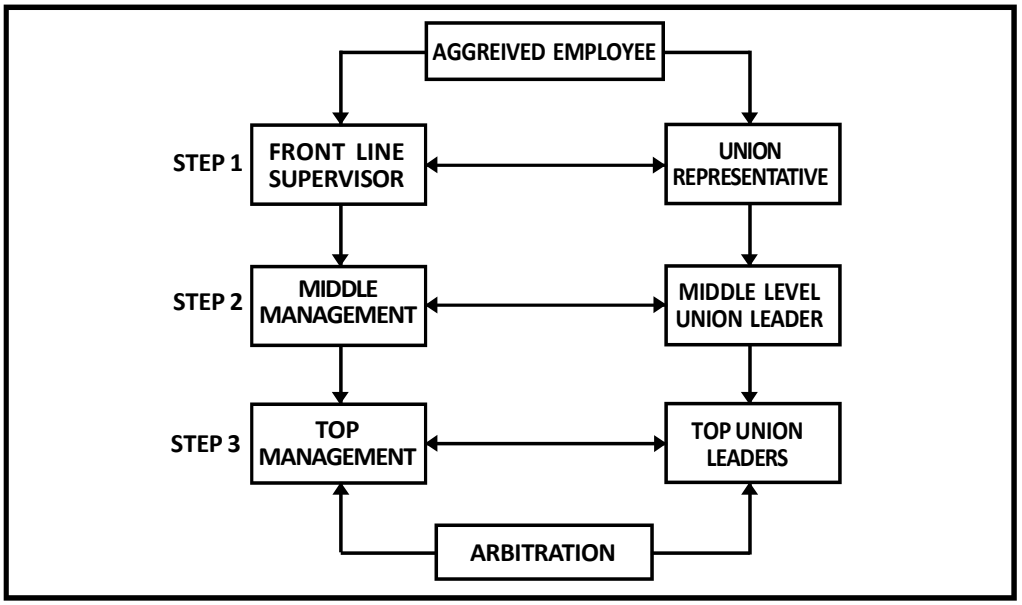

Fig. 1 : Grievance redressal procedure

In an unionized organisation, the operation of the grievance proceduremay contain the following steps:

1. The aggrieved employee verbally explains his/her grievance to his/herimmediate supervisor or in a conference or a discussion specificallyarranged for the purpose. The employee seeks satisfaction from his/hersupervisor. The grievance can be settled if the supervisor has beenproperly trained for the purpose, and if he/she adheres strictly to a basicproblem solving method.
2. The second step begins when the grievance is not settled by thesupervisor. In this case it is sent to a higher level manager with a notein which are mentioned the time, place and nature of the action towhich the employee objects. The higher level manager is generally asuperintendent or an industrial relations officer.
3. Now the grievance is to be submitted to the grievance committeesince the decisions of the supervisor and of the higher level managerhave not solved the problem. The committee which is composed ofsome fellow employees, management representatives, considers therecord and may suggest some possible solution.
4. If the decision or suggestion of the grievance committee is notaccepted by the grievant he/she may approach the management or thecorporate executive.
5. The final step is taken when the grievance is referred to an arbitratorwho is acceptable to the employee as well as the management.In practice grievance procedure differs from company to company.

For example at Patni Computers the employees can file theircomplaints on the internet through the "E-Care"-the grievanceresolution system. The complaints centre around three areas i.e. humanresources, facilities and project related. The response should be madewithin four (4) days failing to which it is auto escalated to the next level-from the process owner to the function head to the management council.

- Statutory provisions concerning the Grievance Redressal Procedure in IndiaThere are three important legal provisions that specify the rulesrelating to the grievance redressal procedure in Indian industrialorganizations;
- The Industrial Employment(standing orders) Act, 1946Clause 15 of the model standing orders in schedule 1 of the industrialemployment Act makes it mandatory for every establishmentemploying 100 or more workers to have appropriate officers to dealwith the complaints of the employees.

13.8.1 The Industrial Disputes Act, 1947

There shall be a grievance settlement authority in every industrialorganization that employs 50 or more workers.

Whenever an industrial dispute arises in these organizations, theconcerned worker or his/her union may refer such a dispute to thegrievance settlement authority for settlement.

The grievance settlement authority in the due timeframe shall proceedwith the matter and conclude the proceedings.

There shall be no reference of any dispute to boards, courts or tribunalsunless and until such a dispute was considered by the grievancesettlement authority to reach a decision and the decision so reachedbecame unacceptable to any one of the parties of the dispute.

13.8.2 The Factories Act, 1948

Section 49 of the factories act makes it necessary the appointment of awelfare officer in every factory that employs 500 or more workers.These officers are actually responsible for settling the grievances ofemployees.

13.8.3 The Model Grievance Procedure

a) The National Commission on labour has suggested a model grievanceprocedure which would ensure a speedy settlement of grievance.The aggrieved employee shall convey his or her grievance verbally tothe officer designated by the management to deal with grievance, theofficer will have to reply to the complaints within 48 hours of itspresentation to him or her.

b) If the grievant is not satisfied with the answer or does not receive theanswer within 48 hours he/she shall then present the grievance to thedepartmental head nominated for this purpose .The head must give hisor her replywithin three days of the presentation of the grievance.

c) If the aggrieved employee is still not satisfied with the decision of thedepartmental head or does not receive any reply within the stipulatedperiod he/she can approach the grievance committee for the settlement ofhis/her grievance. The grievance committee has to give itsrecommendation in seven days and report it to management.Themanagement must communicate the decision to the grievant withinthree days.

d) If the employee is still not satisfied with the decision made by thegrievance committee or does not receive the decision from it, he/she canmake an appeal to the management for a revision of the decisiontaken. The management can take a week for appeal to be consideredand the revised decision is to be informed to the grievant.

e) If the employee is still not satisfied with the decision of themanagement, the grievance may be referred to voluntary arbitrationwithin a week after the decision taken by the management in stage(d).

f) The decision of the arbitrator is final andbinding on both the partiesi.e. the management and the union.

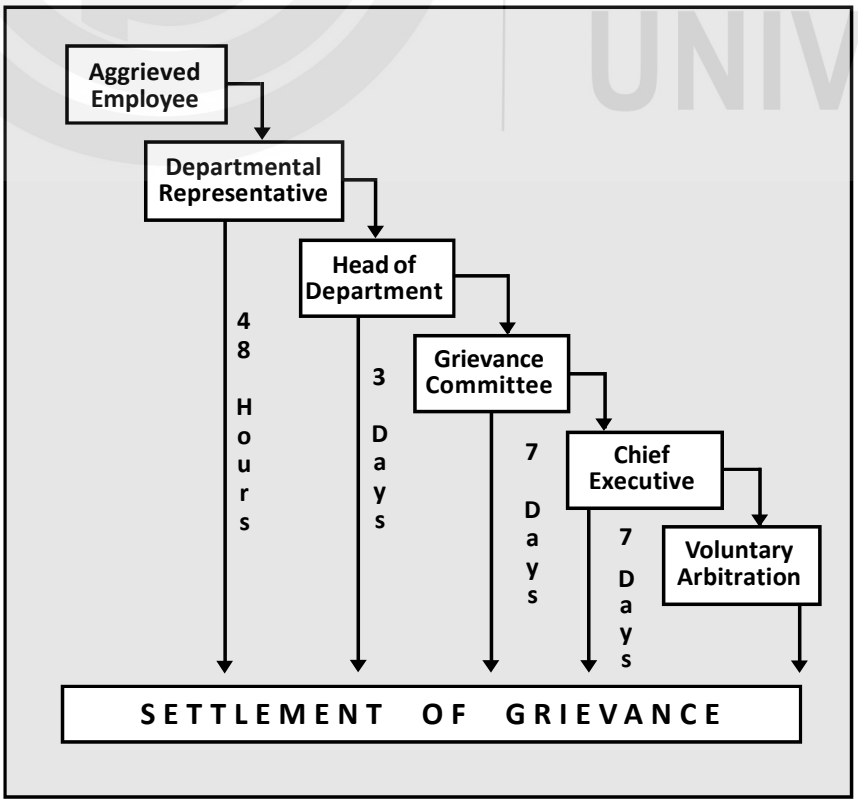

Fig. 2 : Model Grievance Procedure

Activity 1: Present a real time grievance handing procedure of an incident in any organisation your are familiar with.

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13.9 INDUSTRIAL RELATIONS CODE, 2020

Industrial Relations Code, 2020 which has been adopted by the Parliament and assented by the President of India but not implemented till date (March, 2022) proposes following procedure :

(1) Every industrial establishment employing twenty or more workers shall haveone or more Grievance Redressal Committees for resolution of disputes arising out ofindividual grievances.

(2) The Grievance Redressal Committee shall consist of equal number of membersrepresenting the employer and the workers to be chosen in such manner as may be prescribed.

(3) The chairperson of the Grievance Redressal Committee shall be selected fromamong persons representing the employer and the workers alternatively on rotational basisevery year.

(4) The total number of members of the Grievance Redressal Committee shall notexceed ten (10):

Provided that there shall be adequate representation of women workers in theGrievance Redressal Committee and such representation shall not be less than the proportionof women workers to the total workers employed in the industrial establishment.

(5) An application in respect ofany dispute referred to in sub-section (I) may be filedbefore the Grievance Redressal Committee by any aggrieved worker in such manner as maybe prescribed within one year from the date on which the cause of action of such dispute arises.

(6) The Grievance Redressal Committee may complete its proceedings within thirtydays of receipt ofthe application under sub-section (5).

(7) The decision of the Grievance Redressal Committee on any application filedunder sub-section (5) shall be made on the basis of majority view of the Committee, providedmore than half of the members representing the workers have agreed to such decision,otherwise it shall be deemed that no decision could be arrived at by the Committee.

(8) The worker who is aggrieved by the decision of the Grievance RedressalCommittee or whose grievance is not resolved in the said Committee within the periodspecified in sub-section (6), may, within a period of sixty days from the date of the decisionof the Grievance Redressal Committee or from the date on which the period specified

insub-section (6) expires, as the case may be, file an application for the conciliation of suchgrievance to the conciliation officer through the Trade Union, ofwhich he/she is a member, insuch manner as may be prescribed.

(9) Where any employer discharges, dismisses, retrenches, or otherwise terminatesthe services of an individual worker, any dispute or difference between that worker and hisemployer connected with, or arising out of, such discharge, dismissal, retrenchment ortermination shall be deemed to be an industrial dispute notwithstanding that no other workernor any Trade Union is a party to the dispute.

(10) Notwithstanding anything contained in this section or section 53, any worker asis specified in sub-section (5) may, make an application directly to the Tribunal foradjudication of the dispute referred to therein after the expiry of forty-five days from thedate he has made the application to the conciliation officer of the appropriate Governmentfor conciliation of the dispute, and on receipt of such application the Tribunal shall havepowers and jurisdiction to adjudicate upon the dispute, as the Tribunal has in respect of theapplication filed under sub-section (6) of section 53.

(11) The application referred to in sub-section (10) shall be made to the Tribunalbefore the expiry of two years from the date of discharge, dismissal, retrenchment orotherwise termination of service as specified in sub-section (9).

13.10 GRIEVANCE RESOLUTION : APPROACHES

There can be many approaches to grievance resolution as dictated by the policy,practices and the culture of organisation. Some of these are concerned with suchquestions as indicated below:

a) Whether the organisations should have a grievance mechanism at all?

Answer to this question depends upon the managerial style and managementphilosophy of each organisation. For instance, organisations, which believein autocratic style of managing people, may not find it necessary orworthwhile to have a grievance mechanism, for they operate on thepresumption that the management has exclusive right to manage its affairsas it deems fit and that, it is up to the employees to accept the management philosophy/policies and stay within the organisation or, in the alternative,quit. However, in organisations, which are progressive in their outlook andwhich, in addition, are unionized,it is quite likely that some form of grievancemechanism is in operation.

b) Whether it should be formal/structured or free-wheeling/informal?

In the case of the former, the, grievance procedure is formulated by themanagement in great detail indicating the steps involved, the timeframe forcommunicating decisions at various levels, the persons/officials who willbe dealing with the grievance at different stages, etc., whereas in the latter,no detailed procedure is prescribed, excepting a circular from the management to the effect that employees may air their grievance, if any,before any officer of their choice which will be looked into. Between theformal and informal mechanisms, it seems the formal and structured oneispreferable in the light of the fact that the grievance procedure is spelt out inclear and unambiguous terms and communicated to all the employees.

c) Singe-level or multi-level?

This question is concerned with the manner of disposing grievances. 'Singlelevel' redressal means that the grievance is disposed of at the stage at whichit is first submitted without any further review by a superior officer. In otherwords, the decision given by the authority to whom it is first submittedbecomes final and conclusive. 'In the case of multi-level mechanism, thegrievance, if not redressed at the first level, goes to the second and fromthere to thethird and so on, and each succeeding level is of superiorjurisdiction to, and possesses greater organisational authority than, thepreceding level. Between the two, the multi-level mechanism is advantageousboth from the individuals' and organizational point of view. From theindividual's perspective, it gives a distinct advantage in getting the grievanceexamined by higher management. The grievance petition, as it moves formone level to the next higher level, acquires the character of an appeal overthe decision of original authority. The grievance thus, gets the benefit of hisgrievance being examined by senior managers who, by virtue of their longexperience and organistional position, are generally capable of bestowingtheir best attention to the problem objectively anddispassionately. Fromthe organizational perspective too, the multi-tier system is preferable asquite a large number of individual grievances are likely to have policy, andsometimes legal, overtones, and a decision thereon calls for an overall viewof organizational policy and its wider implications, which cannot be expectedfrom a shop supervisor.

d. Whether unilateral or participative?

'Unilateral' approach to grievance redressal necessarily implies that theredressal process is management-driven and its decisions are not open toscrutiny by the representatives of employees. On the other hand, aparticipative or bilateral mechanism ensures that the union representativesparticipate in the redressal process jointly with the management. Apart formthis, participative mechanismsensure openness in handling grievances andhave an immense educative value in so far as the representatives of employeesare in a better position to understand the long-term policy, and/or legalimplications of redressing individual grievances in certain situations.Between the two, participative mechanism is definitely superior as it reflects transparency in the redressal process.

e. Whether time-bound or open-ended?

Individual grievances, as has already been discussed in the precedingparagraphs, have far reaching consequences from the standpoint of employeemotivation and performance. It is, therefore, essential that grievances beredressed as quickly as possible. Viewed in this light, an open-endedgrievance procedure is likely to delay the process of grievance redressalwith the result the dissatisfaction remains alive during the entire periodaffecting employee performance. This is certainly not in the best interestsof the organisation. A formal grievance mechanism should prescribereasonable time limit for each stage by which a decision has to. be given tothe grievant, failing which the matter should automatically be referred tothe next stage.

f) Whether bipartite or Tripartite?

Answer to this question depends to some extent on the legal framework ofthe country. Section 9C of the Industrial Disputes Act, 1947 provides for referring

unresolved grievances forconciliation, arbitration or adjudication. Both the measures have their ownadvantages and disadvantages. Bipartite redressal mechanism operates at amuch faster pace than the tripartite one. This is because the process ofadjudication or arbitration is necessarily slow and cumbersome, and theissue may take years before it is finally decided oneway or the other.However, employees in general prefer third party intervention on the scorethat an outsider is more objective and dispassionate than an insider.

13.11 FORMAL MECHANISM: ADVANTAGES

A formal mechanism of grievance redressal has several advantages. First, it spellsout rules of the game clearly and in unequivocal terms. It tells the employees asto whom to approach, whenand how to approach, should they have grievances.Secondly, it serves the important function of establishing an individual-drivenupward communication channels. Upward communication channels operate aseffective survey mechanisms and give valuable feedback to management on theperceptions of employees about organisational policies and practices, fairness orthe lack of it. As a necessary corollary, it helps the management in reviewing itspolicies and practices and to make necessary adjustments. Thirdly, a formalmechanism infuses a sense of courage in the employees to speak out. It helps theemployees to "let the steam of". Fourthly, the time boundaries prescribed foreach stage of redressal process propel the managerial personnel to ward off theirlethargy and ensure prompt action. Fifthly, a formal mechanism operates a valuable tool in the hands of thetop management for evaluating the problem-solving and decision-making skills of mangers. By the same token, it providesvaluable inputs to the management for assessing the training needs of managers.Sixthly, it insures employees against arbitrary and biased actions of individualmangers. Seventhly, A formal mechanism, which provides for inclusion of shopstewards an union representatives at different stages of redressal process, fostersparticipative culture. Alongside, it creates awareness among union leaders andan understanding of the organizational problems and the policy implications ofdecisions affecting individual employees. Lastly, it promotes goodwill, a senseof having been heard, even when the grievance has not been redressed to the fullsatisfaction of the employee, and thus minimizes employee' resistance. In thissense, it serves the vital purpose of building positive attitudes among employeestowards work, processes, people and the organisation.

13.12 PRINCIPLES GOVERNING A GOOD GRIEVANCE PROCEDURE

An ideal grievance procedure should rest on the following principles:

a) It should be prompt, well-defined, simple and time-bound.

b) It should encourage employees to ventilate grievances without any inhibition,howsoever minor or imaginary they may be. __

c) It should facilitate settlement at the lowest level of the ladder as far aspracticable.

d) It should be in conformity with the existing legislation.

e) It should permit active involvement of union at the stage of formulating thegrievance procedure and also in its implementation.

f) It should gain the confidence of employees at large.

g) It should promote a healthy industrial relations climate.

13.13 PROCEDURE TO HANDLE GRIEVANCES

a) Receive and define the problem precisely.

b) Identify the nature of dissatisfaction in its integrated whole.

c) Get the facts and ensure that the facts represent the real, picture in objectiveterms.

d) Analyse the facts. Look for precedents, if any, set in the matter.

e) Look for organizational implications of the likelysolution.

f) Take a decision; make sure that the solution does not trigger problemselsewhere within the organisation.

g) Apply the answer to the case at hand.

h) Communicate the result.

i) Follow up to evaluate the impact of the redressal decision on the morale ofthe aggrieved worker as well as on other employees of theorganisation.

Activity 2

What are the major determinants of grievances? How can you managegrievances in organisational settings?

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13.14 ADVANTAGES OF A GOOD GRIEVANCE PROCEDURE

A well-planned and administered grievance procedure has the followingadvantages:

a) It offers an opportunity to employees to process their grievances in -a dignified manner.

b) It satisfies the employees need of self-expression.

c) It improves man-management skills of managers at the various hierarchicallevels by building up mature behaviour.

d) It helps management to locate problem areas in the union-managementrelations and to anticipate union demands.

e) It strengthens union functioning and fosters understanding between theparties that facilitates negotiation. ‘

f) It gives an indication as to the general level of employees’ morale, theirattitudes toward the management and the kind of problems they face in thework situation.

g) It enables the management to understand the problems of the workforceand workplace, and helps in initiating timely corrective action.

13.15 ROLE OF HUMAN RESOURCE DEPARTMENT

The role of personnel department should be: -

a) To devise a sound grievance procedure which could serve as an effectiveupward communication channel;

b) To advise line managers about the importance of a sound grievance handlingsystem and its implementation;

c) To train the supervisory personnel in interviewing and counselling skills;

d) To implement promptly the decisions taken by the grievance committee,and to maintain effective and closeliaison with all concerned;

e) To maintain records of the activities of the grievance committee such as the' details of meetings held, actiontaken and implemented;

l) To review the procedure and, if necessary, to modify the existing procedureto suit the changing circumstances; and

g) To follow up individual cases of grievances settled and identify their effecton the employees concerned as well as on other employees of theorganisation.

13.16 GRIEVANCE REDRESSAL : LINKAGES

Grievance handling is essentially a 'problem-solving' exercise. A typical problemsolving process involves the following steps:

i) Identify and define the problem; separate the cause from symptoms

The first step in the problem-solving exercise is to identify the problem. Itso happens that in most cases we mistake symptoms for causes and dealwith the problem, which can prove very costly. A simple example is'headache', which actually is not the problem but only outward symptom ofsome ailment that is subtler and invisible and, which lies much deeper withinthe organism. Taking a painkiller may give a temporary relief to the patient,but the underlying cause remains alive, only to re-appear later in the formof another symptom. It is, therefore,essential to separate the symptoms andlook beyond for the underlying causes and define them in clear terms.

ii) Collect factual data and analyse it

Once the real and underlying cause is identified, gather factual informationrelating to the subject matter of grievance./For example, in a grievancerelating to the "unfair and discriminatory bypassingof someone's seniorityin the matter of promotion", it is necessary to collect all the relevantinformation, such as,

a) what does the promotion policy say in matters of promotion from thegrade to which the grievant belongs;

b) are promotions based exclusively on seniority or are they basedexclusively on merit or are they based on both seniority and merit; if soin what proportion;

c) if they are based exclusively on seniority, are there any other criteriathat are taken into consideration along with seniority, i.e., attendance,general discipline, lack of adverse remarks, etc.,

d) if, on the otherhand, they are based exclusively on merit, what are the componentsthat constitute 'merit', i.e., is it past and present performance in thepresent job or is it the potential to take up higher responsibilities; if so.how and in what manner. the potential is determined;

e) what are thecredentials of the employee(s), who were alleged to have been promotedover the head of the grievant;

f) in what manner was the merit, if that was the sole criterion, assessed;what were the tests administered; whether the grievant was given anopportunity to appear for the test along with others; if so, what was thelevel of his performance in the test relative to others, who secured thepromotion; etc.

iii) Generate alternatives and weigh them in terms of their effectiveness

Problem solving is a creative exercise and calls for ability to think laterally.Once the data analysis is complete, the next step is to generate as manyalternatives as possible with a view to find out a solution to the problem athand. It is possible that some of the alternatives may be inconsistent withthe organisational policy or otherwise impractical or may even be againstthe legal framework, if any, governing the issue. Such alternatives should first be excluded from further consideration. The next step is to weigh theremaining alternatives with one another in terms of their feasibility andeffectiveness in the given situation. Care should be taken to ensure that thechoice of a particular alternative should not kick off fresh problems.

iv) Decide, communicate and follow-up

The last step consists of choosing the best available alternative out of themany generated, arriving at a decision and communicating the same. It isimportant to note that all grievances need not necessarily be resolved infavour of the aggrieved workman. It is also possible that certain actionstaken in the past, though erroneously, cannot be rolled back. For example,an erroneous promotion given to X in preference over Y some months back cannot be revoked as it would give rise to a different set of problems involvingX. In such a situation, the management may give an assurance to Y that hiscase will be favourably considered next time, but it cannot revert X andpromote Y in his place, because of certain legal and other implications.Where the grievance has been resolved in favour of the grievant, implementthe decision and follow it up.

13.17 GRIEVANCE INTERVIEW

Grievance resolution may quite often involve a persona! interview with theaggrieved employee. Grievance interview serves several purposes as, for instance,bringing the concealed feelings to the surface, narrowing down the issues andmaking the problem more explicit and clear. It also helps in getting confirmationfrom the employee that the interpretation placed by the supervisor on the truenature of grievance is correct and helps him in dealing with the grievanceapplication in the right perspective. Typically, grievance interview is informaland unstructured i.e., it is employee-driven and is situation-specific. It is lion-directive and freewheeling in so far as the employee has full freedom

to saywhatever he feels about the real or perceived injustice done to him, while thesupervisor (interviewer) plays the role of an 'active listener'. It is important tosee that the interview setting ensures absolute privacy and is free from interruption.

13.18 GRIEVANCE HANDLING: MANAGINGPITFALLS

Following are few suggestive measures to manage the pitfalls (if any) in thegrievance handling procedure.

a) Vagueness should be avoided while handling grievances. The problem hasto be defined properly and in precise terms, as otherwise, the managementmay have to solve the same problem over and over again with no finality.

b) Careful, attentive listening is an essential feature of grievance handling.More specifically, where a grievance interview is held, the supervisor shouldbe able to listen projectively, i.e.,he should be able to grasp (a) the directionin which the grievant is proceeding, (b) what is deep down in his mind, (c)what may probably come next; and,(d) in what manner, tone and tenor thegrievant is likely to express it, as the interview progresses. It is essential toremember that grievance interview is an unstructured interview and theaggrieved employee has to do most of the talking. It is equally essential thatthe interviewer should not express his opinion on any aspect of the grievancebefore the grievant has completed his part of the job. He should strictlyadhere to the principle, "withhold evaluation until comprehension iscomplete." The interviewer should constantly display empathy towards thegrievant throughout the interview process. A great deal of skill in interviewingand counselling, and a proven ability tohold conferences and discussionsare called for.

c) Facts should be separated from opinions and impressions. Similarly, theperson (grievant).should also be separated from the problem, which meansthat those in-charge of handling grievance should not have any pre-conceivednotions about the grievance on the basis of who the grievant is. This callsfor total objectivity on the part of the supervisor. The facts should be carefullyanalysed and evaluated before arriving at some decision. There can be morethan one possible solution.

d) The management representative should be aware that the decision taken ona seemingly simple grievance of an individual employee. might haveorganisation-wide repercussions and set a precedent, which cannot bedeparted from later. Awrong decision may have to be lived with in othercases also in future. Sometimes the decisions may lead to serious conflictsof dysfunctional nature among individuals, groups and departments. Thesepossibilities call fora holistic perspective on the part of the managers whilehandling individual grievances.

e) An answer should be communicated to the employee within the prescribedtime limit, whether it is favourable or adverse to him. People dislikeprocrastination, and have no respect for. supervisors and managers who areincapable of taking a stand, be it for or against.

f) There should be a consistent policy as to who should communicate thegrievance redressal decisions to the employee. The same functionary shouldcommunicate all the decisions, good or bad, to the grievants.

g) It should be ensured that, as far as practicable, decision is/are taken at thelowest level of the grievance ladder, i.e., the front-line supervisor. This willhelp in building better rapport between employees and the supervisorypersonnel and will enhance the overall efficacy of supervision. However,all grievances are not simple either in their content or implications. Thus,where the redressal of a given grievance is likely to have policy and/or legalimplications for the organisation, the matter has to be settled at the grievancecommittee level or even at a much higher level.

h) The object of grievance procedure is to resolve disagreement between theemployee and organisation. Discussion and conference naturally form theimportant elements of the process.

i) Follow-up is necessary to determine whether the grievance, as perceived bythe employee, has been resolved to the satisfaction of the aggrieved. If itreveals that the grievance was handled unsatisfactorily, then the managementmay have to review and redefine the problem and find a solution afresh.

13.19 RECOMMENDATIONS OF THE NATIONAL COMMISSION ON LABOUR

The National Commission on Labour has given a statutory backing for theformulation of an effective grievance procedure which should be simple, flexible,less cumbersome, and more or less on the lines of the present Model GrievanceProcedure. It should be time bound and have a limited number of steps, sayapproach to the supervisor, then to the departmental head, and thereafter areference to the "Grievance Committee" consisting of management and unionrepresentatives. It should be made applicable to only those units which employmore than 100 workers. The right to redress grievances is provided for under theIndustrial Employment (Standing Orders) Act, 1946 and the Ruleis framed thereunder. The Industrial Disputes (Amendment) Act, 1982 has provided for areference of certain individual disputes to grievance settlement authorities. Section 9C of the Act stipulates that in everyestablishment in which one hundred or more workmen are employed or havebeen employed on any day in the preceding twelve months, the employer shallset up a time-bound grievance redressal procedure.

A grievance procedure, whether formal or informal, statutory or voluntary, hasto ensure that it gives a sense of satisfaction to the individual worker; a resonableexercise of authority of the manager and an opportunity of participation to theunions.'The introduction of unions in the grievance procedure is necessary becauseultimately it is the union that is answerable to its members. It is also importantthat any procedure, to be effective, should be simple and have a provision for atleast one appeal. A basic ingredient of the procedure shouldbe that the totalnumber of steps involved should be limited; not more than four are generallyenvisaged even inthe largest units.

A grievance procedure should normally provide for three steps,namely:

a) approachto the immediate supervisor;

b) appeal to the department head/manager; and

c) appeal to the bipartite grievance committee representing management andthe recognised union. The committee should have a provision that in caseno unanimous decision is possible, the unsettled grievance may be referredto an arbitrator.

Activity 2

What is a grievance? What are its causes and symptoms? Describebrieflygrievance hand ling procedure being followed in your organisation or anyorganisation you are familiar with.

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13.20 SUMMARY

- The rate and number of grievances presented by employees can have several implications for the orgeanisation. A high incidence of grievances may indicate that there is a high degree of employee confidence or, alternatively, it may also pinpoint the fact that the personnel and HR practices of the organisation areunprofessional and primitive giving rise to problems in several aspects of employment relationship.
- Conversely, a low incidence of grievances may indicate one of the two things: either professional approach to personnel and HR management coupled with " fairness on the part of the management, or, alternatively, a lack of confidence in the system on the part of employees in general.
- A formal, time-bound. participative grievance mechanism will be of immense help to employers in monitoring'-the perceptions of employees about the organisational' policies and practices. It serves as a mechanism of employee feedback of the managerial decision making process in matters which affect their work life. Prompt and timely redressal of grievances, in turn, will be the building block of employee confidence in the organisational processes and contribute to the development of positive attitudes and satisfactionamong employees in general.

13.21 SELF-ASSESSMENT QUESTIONS

1) How do you define a grievance? What is therole of HR department ingrievance handling?

2) What are the advantages of a formal mechanism of grievance redressalprocedure? Explain.

3) Explain variousapproaches to grievance resolution ?In your opinion whichapproachis most effective and why?

13.22 FURTHER READINGS

Ed Rose (2001), Employment Relations, Prentice Hall.

Michael J. Jucius(l 963), Personnel Management,5th ed., Richard D. Irwin, Inc.Homewood.

Government of India (1969), The Report of the National Commission on Labour.